

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

AIR FORCE OFFICER, on behalf of herself)
and all others similarly situated,)
Plaintiff,) Case No. 5:22-cv-00009-TES
v.)
LLOYD J. AUSTIN, III, in his)
official capacity as Secretary of Defense;)
FRANK KENDALL, III, in his)
official capacity as Secretary of the Air Force; and)
ROBERT I. MILLER, in his)
official capacity as Surgeon General of the)
Air Force,)
Defendants.)

**DECLARATION OF PAUL M. JONNA
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

I, Paul M. Jonna, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am over the age of eighteen and am competent to make this declaration.
2. I am submitting this declaration in support of Plaintiff's Motion for Class Certification.
3. I am one of Plaintiff's attorneys in this case.
4. I am a lawyer licensed to practice in the State of California, the United States

District Courts for the Southern, Central, Eastern, and Northern Districts of California, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court.

5. Since 2016, I have been a named partner in the California law firm of LiMandri & Jonna LLP, and I have worked with Charles LiMandri since 2013. We represent corporate and

individual clients in the areas of complex business, securities, and real estate litigation, and we have a very successful First Amendment and RFRA practice. Our firm successfully defended Establishment Clause challenges to the Mt. Soledad War Memorial from 2004 to 2016, in serial actions in both state and federal court. *See, e.g., Paulson v. Abdelnour*, 145 Cal. App. 4th 400 (2006); *San Diegans for Mt. Soledad Nat. War Memorial v. Paulson*, 548 U.S. 1301 (2006) (Kennedy, J., in chambers). In that same time frame, we were involved in RFRA challenges to the Affordable Care Act's mandate that religious nonprofits provide health insurance to their employees covering contraception and abortifacients. *Priests for Life v. Sebelius*, No. 12-CV-753 (FB) (E.D.N.Y. Apr. 12, 2013).

6. More recently, in 2018, we obtained the first judicial ruling nationwide that a wedding professional's First Amendment rights excused her from participating in wedding ceremonies violative of her conscience. *D.F.E.H. v. Miller*, No. BCV-17-102855, 2018 WL 747835 (Cal. Super. Feb. 5, 2018). In 2020 we obtained the first two judicial rulings holding that California's lockdown of Churches violated Free Exercise principles (both of which were overturned by the California Court of Appeal), *County of Los Angeles v. Grace Community Church of the Valley*, No. 20STCV30695, 2020 WL 5553662 (Cal. Super. Aug. 14, 2020); *Burfitt v. Newsom*, No. BCV-20-102267, 2021 WL 2152961 (Cal. Super. Dec. 10, 2020), and in 2021, we obtained a similar ruling from the U.S. Supreme Court. *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021). I argued the *South Bay* case at the District Court level three times.

7. Prior to 2013, I was an associate at the national law firm of Gordon & Rees, where I represented a broad range of clients, including major Fortune 500 companies, small and

large businesses, and leading national and international insurers in complex commercial litigation and class actions in state and federal courts throughout California.

8. In my career I have represented clients in dozens of class actions, including plaintiffs in many of them.

9. Prior to joining Gordon & Rees, I was an associate at Bernstein Litowitz Berger & Grossmann, where I represented plaintiff institutional investors in complex litigation and securities class actions, including, for example, *Public Employees Ret. Sys. of Mississippi v. Merrill Lynch & Co.*, No. 08 Civ. 10841 (JSR) (S.D.N.Y. Jun. 16, 2011) (\$315 million recovery); *In re Wells Fargo Mortgage Pass-Through Certificate Litigation*, No. 09-CV-1376-LHK (PSG) (N.D. Cal. Nov. 14, 2011) (\$125 million); and *In re AXA Rosenberg Investor Litigation*, No. CV 11-00536 JSW (N.D. Cal. Mar. 26, 2012) (\$65 million).

10. Since 2019, our firm has served as Special Counsel for the Thomas More Society to represent pro bono clients in high-profile, complex constitutional cases throughout the country. The Thomas More Society is a not-for-profit, national public interest law firm dedicated to restoring respect in law for life, family, and religious liberty. The Thomas More Society provides pro bono legal representation to plaintiffs and defendants involved in complex civil rights and constitutional litigation in state and federal courts nationwide.

11. The Thomas More Society has taken a leading role in litigation challenging vaccine mandates across the country. For example, Thomas More Society attorneys, including Michael McHale, who is one of Plaintiff's attorneys of record in this case, won an injunction against the State of New York's mandate for health care workers before being overturned by a panel of the Second Circuit, *Dr. A. v. Hochul*, No. 1:21-CV-1009, 2021 WL 4734404 (N.D.N.Y. Oct. 12, 2021), reversal noted by *Dr. A v. Hochul*, 142 S. Ct. 552 (2021) (Gorsuch, J., dissenting)

from denial of application). And Thomas More Society attorneys, including myself, succeeded in delaying the vaccine mandate imposed by the San Diego Unified School District in *Doe v. San Diego Unified Sch. Dist.*, __ S. Ct. __, 2022 WL 498812 (Feb. 18, 2022) (denying application without prejudice due to cessation of mandate).

12. The Thomas More Society is an entire law firm of specialists in the laws applicable in this case, including RFRA and the First Amendment. Our team has expended considerable effort already in connection with the preliminary injunction [Doc. 51] and formulating and presenting the legal issues before the Court in the First Amended Class Action Complaint. We are fully prepared to prosecute this matter on behalf of the Plaintiff and the proposed class.

13. I understand the nature and magnitude of the expenses involved in litigating class action lawsuits and, as attorneys associated with the Thomas More Society, counsel have sufficient resources to vigorously prosecute this action.

Dated this 28th day of February 2022.

/s/ Paul M. Jonna
Paul M. Jonna